

REMARKS

Reconsideration of the application, as amended, is respectfully requested. Claim 1 has been amended as follows:

- In step (a) “*at least one of*” has been deleted, i.e. both cavities are filled with a frozen aerated product. The amendment is supported since step (c) recites “*the two cavities*”; thus “*at least one of*” in this context discloses either one cavity or both. Step (b) has been brought into conformity by replacing “*this*” with “*each*.”
- In steps (a), (b) and (c) “open” has been inserted before “cavity.” These amendments are supported because the second bullet point recites “open cavity” and the subsequent mentions of “cavity” refer back to this antecedent.

The amendment is also supported at page 5, last full paragraph. New claim 13 is also presented which is similar to amended claim 1 but which includes subject matter from page 5, last full paragraph.


The present amendments make the difference between the present invention and OLS (DE 3417196) clearer. Claim 1 now recites that both cavities are filled in step (a).

Claim 1 also recites that the two separate products expand outside their respective cavities while the cavities are open and then they are moved opposite one another and the frozen aerated product in each cavity is pressed against the frozen aerated product in the other cavity. It is submitted that it cannot fairly be said that such is happening in OLS.

New claim 13 recites that one cavity is filled by a first filling device and a second cavity is filled with a second filling device or the cavities are filled by a device with one output for each forming element. The Office points to no teaching of this by OLS.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. McGowan", is written over a horizontal line.

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